

Health Care Waivers

What is a Health Care Waiver?

A law in Illinois (the Healthcare Worker Background Check Act) says that individuals with certain convictions cannot work in a health care setting. Employers are prohibited from hiring individuals with these convictions. However, the Department of Public Health, Health Care Worker Registry can issue a waiver that removes the barrier and allows a person to be hired, despite the conviction.

Who Needs a Waiver?

Waivers are needed for unlicensed health care workers (such as Certified Nurses Assistants, home health care workers, personal care aids) or those in school to work in healthcare. Additionally, a waiver is needed for anyone that wants to work in a healthcare setting and has “access” to patients (such as janitorial, food service and transportation). Waivers are *not* needed for licensed healthcare workers (Registered Nurses, Licensed Practical Nurses, etc.).

When Can I Apply for a Waiver?

Time is counted from the date of conviction

Number of Offenses	Disqualifying Misdemeanor Convictions	Disqualifying Felony Convictions
1	1 year	3 years
2-3	3 years	5 years
3+	5 years	10 years

What Convictions are Disqualifying? *No Waiver Necessary if Not a Disqualifying Conviction!!!*

Misdemeanors	Felonies	Automatic Denial – Must Appeal
<ul style="list-style-type: none"> - Theft* - Retail Theft* - Criminal Trespass to Residence* - Practice Nursing without license* - Assault - Battery - Domestic Battery - Endanger Life/Health of Child* - Criminal Trespass to Residence* - Unlawful Use of Weapon (UUW)* <p>* Sealable Offenses- 4 years after completion of <i>last</i> conviction.</p>	<ul style="list-style-type: none"> - Unlawful Restraint - Forcible Detention - Child Abduction - Tampering w/ food/drug/ cosmetic - Aggravated stalking - Home Invasion - Theft (includes retail and identity) - Forgery - Robbery - Vehicular Hijacking - Burglary and residential burglary - Arson - Reckless Discharge of Firearm - Armed Violence - Practice Nursing w/o a license - Cruelty to children - Receive/Sell/ Use stolen Credit card - Criminal Drug Conspiracy - Methamphetamine Violations - Manufacture, Delivery, or Possession w/ intent Cannabis/Controlled Substance 	<ul style="list-style-type: none"> - Murder (1st, 2nd degree) - Solicitation of Murder - Involuntary Manslaughter - Kidnapping - Indecent solicitation of child - Sexual misconduct with disabled - Exploitation of child - Child Pornography - Aggravated Domestic Battery - Aggravated battery - Heinous Battery - Criminal Sexual Assault - Criminal Sexual Abuse - Abuse/Neglect- LTC resident - Criminal Abuse elderly/disabled - Armed Robbery - Aggravated Vehicular Hijacking - Aggravated Robbery

